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**SUBSTITUTE SENATE BILL 5823**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Fairley, Kline and Kohl-Welles)

READ FIRST TIME 02/26/07.

1       AN ACT Relating to discrimination based on participation in a  
2 section 8 program; amending RCW 59.18.030; adding a new section to  
3 chapter 59.18 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 59.18.030 and 1998 c 276 s 1 are each amended to read  
6 as follows:

7       As used in this chapter:

8       (1) "Dwelling unit" is a structure or that part of a structure  
9 which is used as a home, residence, or sleeping place by one person or  
10 by two or more persons maintaining a common household, including but  
11 not limited to single family residences and units of multiplexes,  
12 apartment buildings, and mobile homes.

13       (2) "Landlord" means the owner, lessor, or sublessor of the  
14 dwelling unit or the property of which it is a part, and in addition  
15 means any person designated as representative of the landlord.

16       (3) "Person" means an individual, group of individuals,  
17 corporation, government, or governmental agency, business trust,  
18 estate, trust, partnership, or association, two or more persons having  
19 a joint or common interest, or any other legal or commercial entity.

1 (4) "Owner" means one or more persons, jointly or severally, in  
2 whom is vested:

3 (a) All or any part of the legal title to property; or

4 (b) All or part of the beneficial ownership, and a right to present  
5 use and enjoyment of the property.

6 (5) "Premises" means a dwelling unit, appurtenances thereto,  
7 grounds, and facilities held out for the use of tenants generally and  
8 any other area or facility which is held out for use by the tenant.

9 (6) "Rental agreement" means all agreements which establish or  
10 modify the terms, conditions, rules, regulations, or any other  
11 provisions concerning the use and occupancy of a dwelling unit.

12 (7) "Section 8 program" means a federal, state, or local government  
13 program in which a tenant's rent is paid partially by a government  
14 program, through a direct contract between the government program and  
15 the landlord, and partially by the tenant.

16 (8) A "single family residence" is a structure maintained and used  
17 as a single dwelling unit. Notwithstanding that a dwelling unit shares  
18 one or more walls with another dwelling unit, it shall be deemed a  
19 single family residence if it has direct access to a street and shares  
20 neither heating facilities nor hot water equipment, nor any other  
21 essential facility or service, with any other dwelling unit.

22 ((+8)) (9) A "tenant" is any person who is entitled to occupy a  
23 dwelling unit primarily for living or dwelling purposes under a rental  
24 agreement.

25 ((+9)) (10) "Reasonable attorney's fees", where authorized in this  
26 chapter, means an amount to be determined including the following  
27 factors: The time and labor required, the novelty and difficulty of  
28 the questions involved, the skill requisite to perform the legal  
29 service properly, the fee customarily charged in the locality for  
30 similar legal services, the amount involved and the results obtained,  
31 and the experience, reputation and ability of the lawyer or lawyers  
32 performing the services.

33 ((+10)) (11) "Gang" means a group that: (a) Consists of three or  
34 more persons; (b) has identifiable leadership or an identifiable name,  
35 sign, or symbol; and (c) on an ongoing basis, regularly conspires and  
36 acts in concert mainly for criminal purposes.

37 ((+11)) (12) "Gang-related activity" means any activity that  
38 occurs within the gang or advances a gang purpose.

1        NEW SECTION.   **Sec. 2.**   A new section is added to chapter 59.18 RCW  
2   to read as follows:

3        (1) It is unlawful for a landlord to refuse to negotiate or enter  
4   into a rental agreement with a prospective tenant on the basis that the  
5   prospective tenant participates in a section 8 program.

6        (2) Any landlord who violates this section may be liable to the  
7   prospective tenant for an amount not to exceed one hundred dollars.  
8   The prevailing party may also recover court costs and reasonable  
9   attorneys' fees.

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